

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Adidas America, Inc., a Delaware)
Corporation,)
Petitioner,)
)
-against-)
)
Michael D. Calmese, a resident of)
Arizona,)
Respondent)
_____)

12/145,058
Cancellation No.: 92048777
Registration No.: 2,202,454
Registration Date: November 10, 1998
Mark: **PROVE IT!**

PLEASE TAKE NOTICE, pursuant to the Board's Order dated July 1, 2009, that the civil action which appropriately occasioned the suspension of this proceeding is still pending and has not come to final determination. Respondent respectfully submits that on July 2, 2009 in the pleadings Adidas America Inc., v. Michael Calmese Case No. CV-08-0091, United States Magistrate Judge Stewart ruled in her Findings And Recommendation that adidas's Second and Third Causes of Action for non-false designation of origin and cancellation of trademark registration be **DENIED**. Accordingly, Respondent moves for this proceeding to dismissed with prejudice.

RESPECTFULLY SUBMITTED this 30th day of July,

/S/Michael Calmese
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08-03-2009

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing
Objections To Recommendations And Findings was forwarded in accordance with the
Federal Rules of Civil Procedure on this the 30th day of July, 2009, addressed as follows:

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/S/Michael Calmese